

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Claims 22-54 were pending in this application. Claims 34-51 are subject to a restriction requirement, and are canceled herein. By the present Amendment, Claim 52 is amended and Claims 55-60 are added.

Applicants acknowledge, with appreciation, the Examiner's allowance of Claims 22-33.

Claims 52-54 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,349,217 ("Honcharenko") in view of the "Gutleber" reference. Applicants submit that these claims, at least in the form amended herein, are patentable over the cited references for at least the following reasons:

Considering amended Claim 52, any proper combination of Honcharenko with Gutleber would not result in a wireless transmission system that includes a fixed hub connected to an information source, the fixed hub provided with a wide angle beam antenna; a mobile terminal provided with a narrow beam antenna; in which content from the information source is downloaded to the mobile terminal via the fixed hub only within a small localized area of the fixed hub.

Honcharenko relates to a base station with a defined geographic coverage area in a wireless communication system. The geographic coverage area, however, is a relatively large geographic area, in contrast to Applicants' system of Claim 52. See, e.g., col. 2, lines 45-47. Further, as best understood by Applicants' representative, the communication system in Honcharenko is configured solely to support voice communications. That is, contrary to Claim

52, the base stations therein are not connected to an information source, nor do they download content from any such information source to mobile terminals.

The Gutleber reference was cited for disclosing a mobile terminal with a narrow beam antenna. It is submitted, however, that one skilled in the art would not have been motivated to incorporate Gutleber's mobile terminals into Honcharenko's system. First, Gutleber does not appear to utilize base stations: the mobile subscribers directly communicate with each other, without any routing of calls through a base station. See FIG. 3 which illustrates how different transmitters and receivers communicate directly with one another in the same geographical area, i.e., without a base station. Thus, the person skilled in the art who was interested in improving a base-station-based system such as Honcharenko's, would not have been inclined to employ the narrow beam mobile terminals of Gutleber, since those terminals are specifically designed for direct mobile terminal to mobile terminal communications. That is, there is simply no suggestion in Gutleber to employ the narrow beam terminals disclosed therein for use with wide beam, base-station-based systems as in Honcharenko. Thus, the proposed combination of Honcharenko with Gutleber is unsuitable to establish obviousness of Claim 52 for this additional reason.

Accordingly, in light of the above differences, it is submitted that Claim 52 is patentable over any proper combination of Honcharenko with Gutleber.

Claims 53-60 are patentable based at least upon their dependencies from Claim 52.

In addition, by way of example, Claim 53 claims that the fixed hub is provided with a kidney shaped beam in cross section (to communicate signals with mobile terminals). The Office Action relied upon the Fischer patent (U.S. Patent No. 6,360,075) for disclosing a mobile terminal and a central hub that utilizes a cardioid antenna, asserting that the cardioid antenna has a kidney shaped cross section. The Examiner's assertion is misplaced, however, in that no

mobile terminals are disclosed: see Fig. 1, subscribers 14 are all fixed stations. In addition, a cardioid antenna is known to produce a heart-shaped radiation pattern that is more concentrated in one direction, to allow a longer maximum range. The concentration of energy in one direction reduces the coverage in the opposite direction. This type of antenna is different than the kidney-shaped beam antenna claimed, which has two main lobes separated by a depression.

Moreover, Claim 54 claims that the antenna is mounted on a ceiling and the kidney shaped beam has a local minimum level in the cross section in a direction opposing the ceiling. The Examiner did not cite any reference disclosing this feature, but instead asserted that the claim merely adds the intention of using the system in a particular environment. This rejection is misguided in that the kidney-shaped beam antenna is only one component of the overall system, and positioning it in a specific location and orientation with respect to other components *changes the structure of the system*. That is, such positioning and orientation is not merely “intended use” and must be considered a limitation of the claim.

#### Conclusion

In light of the foregoing, entry of this amendment, and the allowance of this application with Claims 22-33 and 52-60 are respectfully solicited.

The above statements concerning the disclosures in the cited references represent the present opinion of Applicant's representative and, in the event that the Examiner disagrees, Applicant's representative respectfully requests the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

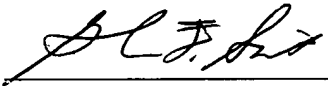
In regard to the claims amended herein, it is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. 112. Changes to these claims, as

presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,  
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